**UNITED
NATIONS**

		Case No.	IT-98-32/1-A
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991		Date:	6 September 2011
		Original:	English

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Carmel Agius
Judge Howard Morrison

Registrar: Mr. John Hocking

Order of: 6 September 2011

PROSECUTOR
v.
MILAN LUKIĆ
SREDOJE LUKIĆ

PUBLIC

ORDER FOR THE PREPARATION OF THE APPEAL HEARING

The Office of the Prosecutor:

Mr. Peter Kremer

Counsel for Milan Lukić:

Mr. Tomislav Višnjić
Mr. Dragan Ivetić

Counsel for Sredoje Lukić:

Mr. Đuro Čepić and Mr. Jens Dieckmann
Professor G.G.J. Knoops as Legal Consultant

THE APPEALS CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 ("Appeals Chamber" and "Tribunal", respectively);

NOTING the "Scheduling Order for Appeal Hearing" filed on 8 July 2011 ("Scheduling Order"), which listed the hearing of the merits of the appeal in this case for 14 and 15 September 2011, and which informed the parties of the timetable for the hearing;[1]

RECALLING that in the Scheduling Order, the Appeals Chamber informed the parties that, although they remain free to use their allotted argument time as they see fit, it would specify in due course the questions the parties would be invited to address during the appeal hearing;[2]

EMPHASIZING that the present order in no way expresses the Appeals Chamber's views on the merits of the appeal;

HEREBY INFORMS the parties that, during the course of the appeal hearing, in addition to other matters advanced by the parties in their submissions or that the Appeals Chamber may wish to raise, they are invited to present oral submissions on the following questions:

(i)   In relation to Milan Lukić's third and fourth grounds of appeal and the Prosecution's first ground of appeal, the Appeals Chamber invites the parties to make submissions on whether the killings which occurred during the Pionirska Street Incident and the killings which occurred during the Bikavac Incident **each** amount to "killing on a large scale" so as to satisfy this requirement of extermination.[3]

(ii)   In relation to Sredoje Lukić's third and fifth grounds of appeal, relating to the Pionirska Street Incident, the Trial Chamber found that Sredoje Lukić "rendered practical assistance, which had a substantial effect on the commission of the crime of murder, when he was at Jusuf Memić's house in the afternoon, **visibly carrying arms** and, in particular, when he participated in the transfer of the Koritnik group to Adem Omeragić's house."[4] The parties are invited to make submissions on whether Sredoje Lukić's assistance amounted to aiding and abetting, addressing in particular the Trial Chamber's finding that Sredoje Lukić was "visibly carrying arms".

CONSIDERING further that the Appeals Chamber finds it necessary for the preparation of the appeal proceedings with respect to Milan Lukić's seventh ground of appeal to admit into evidence the Registry produced witness testimony time report in the present case, dated 21 May 2009 ("Witness Testimony Time Report");

---

[1] *See also* Corrigendum to Scheduling Order for Appeal Hearing Dated 8 July 2011, 12 July 2011.
[2] Scheduling Order, p. 2.
[3] *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, Judgement, 20 July 2009 ("Trial Judgement"), paras 937-955.
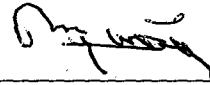[4] Trial Judgement, paras 932 (emphasis added). *See also* Trial Judgement, paras 984, 1030-1031.

1

Case No. IT-98-32/1-A   6 September 2011

ORDERS the admission into evidence of the Witness Testimony Time Report; and

INSTRUCTS the Registry to assign a confidential exhibit number to the Witness Testimony Time Report.

Done in English and French, the English text being authoritative.

Dated this sixth day of September 2011,
at The Hague,
The Netherlands.

Judge Mehmet Güney
Presiding

[Seal of the Tribunal]

2